



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,535	07/27/2000	Donald F. Hooper	42390. P7876X	1214

7590 10/14/2005

Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,535

Applicant(s)

HOOPER ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

In view of the newly found reference and Applicants' remarks in their brief filed August 8 2005, finality of the Office action mailed March 29 2005 is hereby withdrawn. Prosecution of the instant application is reopened.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 2 has been cancelled. The active claims are 1 and 3-20.

Claims 1 and 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belkin (USP 6,604,125) in view of Allison (USP 6,373,848).

Belkin teaches:

a method of processing network data (see network in Figure 1) in a processor (web server 106) having multiple programmable (being programmed by the retrieved threads) multi-threaded engines (120-126) integrated within the processor, the method comprising:

scheduling a first thread (threads from thread pool 114, see lines 53 et seq. of col.4, line 19 of column 5 to line 18 of column 6,) provided by the multiple programmable multi-threaded engines (engines 120-126 retrieve specific threads from thread pool for processing incoming data in packet) integrated within the processor to process a first incoming block of data within a network packet received at port (see "port" in line 27 of column 9) of a media access control device ; and

scheduling a second thread provided by the multiple programmable multi-threaded engines integrated within the processor to process a second incoming block of

Art Unit: 2155

data within the network packet prior (see “multiple requests can be processed concurrently” in line 33 of column 9) to the first thread completing processing of the first incoming block of data .

Belkins teaches communication via a network port. Belkins did not make clear whether it is a media access control (MAC) unit. MAC is well known in network art. Allison teaches (see at least abstract) a MAC for communication via a network. Since Belkins uses network for communication also, it would have been obvious to a person of ordinary skill in the art to incorporate a MAC as taught by Allison for communication via a network.

As to claims 3-4 and 16, the engines of Belkins are inherently capable of saving and retrieving information including information labeled as state information or pointer.

With respect to claims 7 and 17 the engine of Belkins is capable of outputting (inherent) data including state information to a circuitry including circuitry labeling as transmit circuitry.

With respect to claim 8, there is no time sharing in Belkins.

With respect to claim 9, different threads operate out of different engines in Belkins also.

With respect to claims 10, 11 and 14, the wherein clauses merely state the result of the limitations recited in parent claim 7. The clauses therefore add nothing to the patentability or substance of the claims.

With respect to claim 12, Belkins has more than two engines.

Art Unit: 2155

With respect to claim 13, Belkins engines run on the same code also because they are identical.


With respect to claim 18, Ethernet is well known in the art.

With respect to claim 19, port monitoring is inherent in tranceiving.

With respect to claim 20, header parsing is inherent in network communication.

The engines of Belknis is capable of performing lookup and enqueueing also.

Davis is cited to show a processor having two independent pipes each for executing a thread.



DAVID Y. ENG
PRIMARY EXAMINER